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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/521,866	01/21/2005	Robert Scholl	DE 020183	1248
24737	7590	08/23/2006	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			PAYNE, SHARON E	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 08/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/521,866	Applicant(s) SCHOLL, ROBERT	
	Examiner Sharon E. Payne	Art Unit 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>0105</u> . | 6) <input type="checkbox"/> Other: ____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are the relationships between the gas-discharge lamp, the LED and the optical component (claim 1). Claims 2-7 are necessarily included due to their dependency.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 3, 4 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over DE 20007134 U1 (hereinafter "Treuhand") in view of Trushell et al. (U.S. Patent 5,612,590) and JP 07235624 A (hereinafter "Toyoda").

Regarding claim 1, Treuhand discloses a gas-discharge lamp (reference number 6), and LED (reference number 10) and an optical component for additive mixing of the light from the gas-discharge lamp and the LED (reference number 7). Treuhand does not disclose a gas-discharge lamp with a color point in the green-blue or an LED with a color point in the yellow-red.

Trushell et al. discloses a gas-discharge lamp with a color point in the green-blue (column 1, lines 30-57).

Toyoda discloses an LED with a color point in the yellow-red (English abstract).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the lamp of Trushell et al. in the apparatus of Treuhand to produce the desired color effects.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the LED of Toyoda in the apparatus of Treuhand to provide the desired color effects.

Concerning claim 2, Treuhand discloses a fluorescent lamp (reference number 6).

Regarding claim 3, Treuhand does not disclose a lamp with BAM or CAT. Trushell et al. discloses the fluorescent lamp as a low-pressure mercury-vapor lamp, on which in particular the phosphor BAM is applied for the generation of the blue light and/or the phosphor CAT is applied for the generation of green light (column 1, lines 30-57).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the lamp of Trushell et al. in the apparatus of Treuhand and Toyoda to produce the desired color effects.

Concerning claim 4, Treuhand does not disclose an AlGaAs red LED. Toyoda discloses an inorganic LED, in particular a red-emitting AlGaAs LED (English abstract).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the LED of Toyoda in the apparatus of Treuhand and Trueshell et al. to provide the desired color effects.

Regarding claim 8, Treuhand discloses the step of additive mixing of the light from the gas-discharge lamp and the LED by means of an optical component (reference number 7).

Truehand does not disclose a gas-discharge lamp or an LED with the claimed colors.

Trushell et al. discloses the step of generating light with a color point in the green blue by means of a gas-discharge lamp (column 1, lines 30-57).

Toyoda discloses the step of generating a light with a color point in the yellow-red by means of an LED (English abstract).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the lamp of Trushell et al. in the apparatus of Treuhand to produce the desired color effects.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the LED of Toyoda in the apparatus of Treuhand to provide the desired color effects.

4. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Treuhand in view of Trushell et al. and Toyoda as applied to claim 1 above, and further in view of Ohishi et al. (U.S. Patent 2001/0005319 A1).

Regarding claim 5, Treuhand, Trushell et al. and Toyoda do not disclose a control component. Ohishi et al. discloses a control component for controlling the color point of the lamp system (abstract).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the control component of Ohishi et al. in the apparatus of Treuhand, Trushell et al. and Toyoda to enable one to vary the color output. See the abstract of Ohishi et al.

Concerning claim 6, Treuhand, Trushell et al. and Toyoda do not disclose a control component. Ohishi et al. discloses a control component that is designed to control the color point of the lamp system by controlling the power of the LED (abstract).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the control component of Ohishi et al. in the apparatus of Treuhand, Trushell et al. and Toyoda to enable one to vary the color output. See the abstract of Ohishi et al.

5. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Treuhand in view of Trushell et al., Toyoda and Ohishi et al. as applied to claim 5 above, and further in view of Callahan (U.S. Patent 4,894,760).

Regarding claim 7, Treuhand, Trushell et al., Toyoda and Ohishi et al. do not disclose a control component for the optical component. Callahan discloses a control component that is designed to control the color point of the lamp system by controlling the mixing characteristics of the optical component (abstract, Fig. 4).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the configuration of Callahan in the apparatus of Treuhand, Trushell et al., Toyoda and Ohishi et al. to produce the desired optical effects. See the abstract of Callahan.

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharon E. Payne whose telephone number is (571) 272-2379. The examiner can normally be reached on regular business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Sep

  
Sharon Payne  
Patent Examiner  
Technology Center 2800